

REMARKS

Claims 1, 2 and 11 are pending and at issue. Applicants respectfully traverse the rejections of claims 1, 2 and 11 as unpatentable over Schoenbrun in view of Yocco. The rejections are based upon an improper modification of Schoenbrun by the teachings of Yocco.

More specifically, Schoenbrun is directed towards a child restraint device that is "adapted to be comfortably worn by the child without harming and irritating the tender flesh of the child", and which is "quickly applied to the child". To achieve these express purposes, the child restraint disclosed in Schoenbrun includes a pair of semi-circular chest and circling strap members A and B and a pair of substantially U-shaped shoulder engaging loops 2 and 3, all of which are joined together to provide a pair of arm loops adapted to be supported over the shoulders of a child with a rivet connecting the four straps in the small of the child's back and a swivel hook secured in an extended position rearwardly from the rivet adapted to receive a snap hook carried by one end of a leash 10. "All of the straps are made from a fabric material covering spring metal bands which normally retain them in their curved body encircling condition . . ." (column 2, lines 16-19). All of the claims characterize the straps as being "permanently curved". There is absolutely nothing in Schoenbrun or in Yocco to suggest that the permanently curved, spring metal bands of Schoenbrun could be improved by replacing them with the single length of webbed material 14 such as disclosed in Yocco. Indeed, because the web material disclosed in Yocco is so different than the permanently curved, spring metal bands of Schoenbrun, it cannot be

fairly argued that one skilled in the art would look to Yocco when seeking to improve the permanently curved, spring metal band construction of Schoenbrun. For this reason alone, the rejection is improper and should be withdrawn.

Even if the foregoing were not true, Yocco is expressly directed toward “a drag harness which maintains an incapacitated individual within the coat when such individual is being dragged therewith” (col. 1, lines 42-44). Yocco accomplishes this by providing a pair of arm loops, each loop having a first configuration allowing one of the arms to pass therethrough and a second configuration capturing one of the arms therein so that “as partner 36a begins to drag individual 36 by drag loop 112 of drag harness 10, first and second loop portions 106 and 108 respectively, tighten about the upper arms 46 and 54, respectively, and/or the shoulders of individual 36.” (col. 5, lines 1-5). One skilled in the art would not look to Yocco to modify Schoenbrun because Schoenbrun seeks to have fixed length arm loops rather than arm loops that tighten about the arms or shoulders of an individual as taught for the single length strap construction of Yocco. For this additional reason alone, the rejection is improper and should be withdrawn.

Notwithstanding any of the above, Schoenbrun is specifically directed towards a child restraint “which is not visible on the wearer”. Schoenbrun achieves this by providing the swivel hook so that the leash, which is always visible when in use, can be detached when not in use. It would be completely contrary to this express purpose of Schoenbrun for its leash 10 to be made from a single continuous strap, such as suggested in the proposed modification by the Examiner, because the leash 10 would

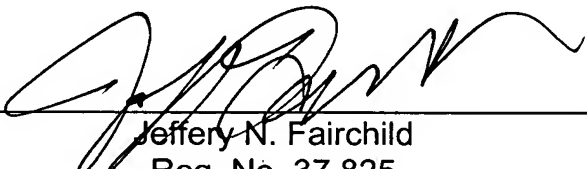
always be visible on the wearer. Accordingly, for this additional reason alone, the rejections are improper and should be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of the rejections and allowance of the case.

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